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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/975,214	11/20/1997	AKIHIRO KOHNO	1232-4391	9266

27123 7590 12/21/2006  
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NEW YORK, NY 10281-2101

EXAMINER
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OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

08/975,214

Applicant(s)

KOHNO, AKIHIRO

Examiner

Michael N. Opsasnick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-23 and 34-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-23, 34-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 1997 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 49-51, and 62,68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 49-51, 62, and 68 pertain to a computer-readable program to be executed by a computer to implement a computer program without producing any useful, tangible or concrete result, nor does the program cause a functional change within the computer, and therefore is not statutory.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 11-23,34-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara et al (5745711) in view of Kamata et al (5953050).

As per claims 11,14,21,34,37,44,46-50,51,53,60-63,67-69,73,77, Kitahara et al (5745711) teaches a communication system comprising a transmission apparatus for transmitting an image and a voice to be added to the image, and a reception apparatus for receiving the image and the voice, wherein:

“said transmission apparatus comprises transmission means....the image and the voice....apparatus” as teleconferencing system transmitting both image and voice data (col. 5 lines 24-29; col. 5, lines 39-53; and displaying the status (change) in the image displays (col. 12, lines 40-53);

“said reception apparatus comprises control means.....causing predetermined display means to display the controlled image” as control module controlling both the image data and the corresponding audio data (col. 14, lines 44-62)

Kitahara et al (5745711) does not explicitly teaches the control of the image data based on the voice level transmitted, however, Kamata et al (5953050) teaches image (and image server control) based on transmitted corresponding voice signal (Kamata et al (5953050), col. 2 lines 30-40;col. 11 line 63 - col. 12 line 30). Therefore, it would have been obvious to one of ordinary skill in the art of audio/video transmission to improve upon the invention as taught by Kitahara et al (5745711) with displaying the images based on a voice level because it would advantageously allow the system to switch the video to the person that is speaking (col. 12 lines 25-29).

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As per claims 15,22,38,45,77, Kitahara et al (5745711) teaches:

“said one reception apparatus is connected to said plural transmission apparatuses to be able to selectively receive the image or the voice” as multiple conferees all linked on the same teleconferencing system (Fig. 14, col. 15 lines 30-50).

As per claims 26,27,59,64-66, Kitahara et al (5745711) teaches:

“said control means causes said predetermined display means to display each of the images transmitted from said plural transmission apparatuses” as window having the ability to display the multiple inputs (col. 15 lines 39-45);

As per claims 64-66, Kitahara et al (5745711) teaches:

“wherein said reception apparatus comprises said predetermined display means” as window having the ability to display the multiple inputs (col. 15 lines 39-45).

As per claims 14,17,40,45,52,54,56,57,60-63,67,68, Kitahara et al (5745711) teaches:

“wherein said control means emphasizes the image transmitted from said transmission apparatus, in accordance with contents of the voice transmitted from said transmission apparatus” as image is emphasized and is continued to be emphasized until the voice sound is stopped -- at this point the image is de-emphasized (col. 16 lines 24-31)

As per claim 58, Kitahara et al (5745711) teaches:

“wherein the emphasizing is to enlarge the image”, “wherein the emphasizing is to emphasize an outer frame of the image” as controlling the space of the image (col. 3 lines 34-40);

As per claims 19 and 42, Kitahara et al (5745711) teaches:

“wherein said reception apparatus comprises a speaker for outputting the voice” as speaker output (fig. 27, subblock 907).

As per claims 16, 18, 39, 41, and 52, Kitahara et al (5745711) teaches:

“wherein said control means control a voice level of the voice transmitted from the predetermined transmission apparatus, in accordance with contents to the voices transmitted from said plural transmission apparatuses” as voice level control of the window containing the selected image (col. 20 line 52 - col. 21 line 8).

As per claims 20, 43, 70 and 74, Kitahara et al (5745711) teaches:

“wherein said control means controls resolution of the image transmitted from said transmission apparatus, in accordance with contents of the voice transmitted by said transmission apparatus” by changing the focus (resolution) of the image based on speaker location (col. 16 line 39 - col. 17 line 30).

As per claims 12, 13, 35, 36, 69, Kitahara et al (5745711) teaches both a still image (photograph) and moving images (col. 13, lines 61 and col. 14 lines 1-6).

As per claims 55 and 73, Kitahara et al (5745711) teaches memory means for the image data (col. 6 lines 4-24). It is old and well known in the art of image processing that the amount of image data to be either transmitted or displayed is controlled by the memory capability of the system.

As per claims 71,72 and 75,76, it is old and well known in the art of image processing to have temperature sensors attached with image processors (cameras) because varying ranges of temperatures can have an adverse affect on image quality and therefore it would be advantageous to have such a feature because it would allow the user to monitor/control image quality.

### ***Response to Arguments***

5. Applicant's arguments filed 10/10/06 have been fully considered but they are not persuasive. As per applicant's arguments on pages 2-3 of the response, examiner respectfully disagrees and argues that the arguments presented are toward the results, or features of the specification, and not the claim scope. Applicant's attempt to apply differing embodiments to the claim scope; again, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., control right in response to a user, and the specific examples of checking of image information with voice level information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

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into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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